

## PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 20, 2003      Dan Parker  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael W. Reed, Eugene A. Lukhtanov, Alexander A. Gall,  
Robert O. Dempcy, Nicolaas M. J. Vermeulen and Yevgeniy S.  
Belousov

Application No. : 09/876,830

Filed : March 21, 2002

For : FLUORESCENT QUENCHING DETECTION REAGENTS AND  
METHODS

Examiner : Jezia Riley

Art Unit : 1637

Docket No. : 290097.405

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner:

I, Eugene Lukhtanov, hereby declare as follows:

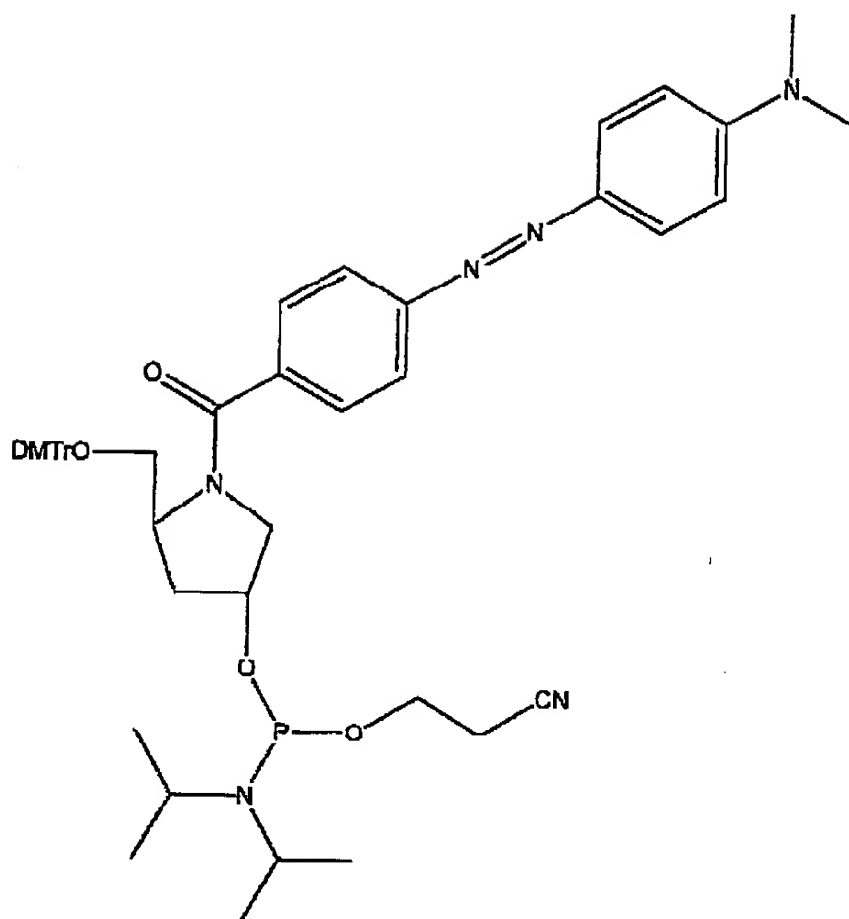
1. I am co-inventor with Michael W. Reed, Alexander A. Gall, Robert O. Dempcy, Nicolaas M. J. Vermeulen and Yevgeniy S. Belousov of the above-identified patent application (hereinafter referred to as "subject application").

2. All of the work described within this Declaration was performed in the United States, by me or on my behalf and under my direction.

3. I have reviewed my laboratory records, including the Exhibit submitted herewith, and readily conclude that a compound as claimed in the subject application was conceived prior to September 30, 1999. Furthermore, due diligence was exercised from this time period until the invention was either actually reduced to practice, or until the filing of the subject application.

4. The Exhibit annexed hereto is a photocopy of a laboratory notebook page kept in the regular course of business at Epoch Biosciences, Inc. All dates have been removed from the annexed photocopy, and it is my understanding based on discussion with applicants' representatives that this is a permissible Patent Office practice. Otherwise, the Exhibit is a true copy of a page from my laboratory notebook record. The actual notebook page is dated prior to September 30, 1999.

5. The Exhibit discloses the preparation of a compound of the following formula



6. Evidence for the formation of the indicated structure is provided in the notebook record annexed hereto, in the form of thin layer chromatography and absorption spectra.

7. In summary, upon review of my laboratory records, I have concluded that, at least prior to September 30, 1999, a compound as described and claimed within the subject application had been conceived. Furthermore, conception of the invention led to further research, resulting in an actual reduction to practice or in the filing of the subject application.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 20<sup>th</sup> day of October, 2003

Eugene Lukhtanov  
Eugene Lukhtanov

Enclosure:  
Exhibit

**TITLE**

From Page No. \_\_\_\_\_

